



**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019**

REPLY TO
ATTENTION OF

RECORD OF DECISION

**Alligator Chain and Lake Gentry Extreme
Drawdown And Habitat Enhancement
Project
Osceola County, Florida**

I have reviewed the Final Environmental Impact Statement (EIS) for the Alligator Chain and Lake Gentry Extreme Drawdown and Habitat Enhancement Project. I have also reviewed all correspondence; comments on the Draft and Final EIS; views of other agencies, non-governmental organizations, and the public; and all pertinent documents for this project. Based on this review, I find the final recommendation to lower Alligator Chain levels to 60 ft. NGVD and postpone the Lake Gentry drawdown to a later date as described in the Final EIS to be technically sound and in the public interest. Thus, I recommend that the proposed regulation schedule modifications be approved and implemented.

The Florida Fish and Wildlife Conservation Commission (FWC) is proposing the project to improve the Alligator Chain and Lake Gentry's aquatic habitat. The Central and Southern Florida Project (C&SF) which includes the Kissimmee Basin Project was designed and constructed by the U.S. Army Corps of Engineers (Corps). The South Florida Water Management District (SFWMD) operates and maintains the project works in accordance with Corps approved criteria. The Alligator Chain and Lake Gentry are components of the C&SF Project. The project proposed by the FWC and reviewed by the Corps and SFWMD is to modify the existing regulation schedule and implement a drawdown of the Alligator Chain and Lake Gentry as described in section 2.01.3 of the Final EIS. The Alligator Chain includes Alligator, Brick, Lizzie, Center, Coon, and Trout Lakes. The existing regulation schedule has reduced the extent of fluctuation of water levels. The existing regulation schedule for the Alligator Chain normally varies from 64.0 to 62.0 ft NGVD during the year. The existing regulation schedule for Lake Gentry normally varies from 61.5 to 59.5 ft. during the year. During the proposed drawdown, approximately 3,450 acres of bottom sediments would dry and compact and thus stimulate growth of desirable aquatic vegetation and increase overall productivity of fish and associated wildlife and habitat. To promote and enhance this natural process during the drawdown, the FWC and others working under its permit would use heavy equipment to remove, burn, and disc the muck and nuisance vegetation from areas where long-term lake level stabilization has caused severe aquatic habitat deterioration.

Several alternatives were formulated and evaluated using input from Federal, State, and local agencies; property owners; and other interested parties before the selection of the final recommended plan. The proposed plan is to drawdown the Alligator Chain to

60.0 ft and to postpone the drawdown of Lake Gentry to 56.5 ft NGVD. The drawdown is being timed to allow water levels to be lowered to 60 feet for 90 days to allow drying and consolidation of the muck and detritus that has accumulated as a result of unnaturally stable water levels. Also, all muck would be removed down to clean sand in exposed areas. Other alternatives that were considered are: (1) No Action. As the name suggests, no work would be done under this alternative and the lakes would remain in their degraded states; (2) Alligator Lake Chain & Lake Gentry Habitat Enhancement Project based on 1997 plan. This alternative would lower Alligator Lake to 58.5 ft. and lower Lake Gentry to 56.5 ft; and (3) Alligator Lake Chain & Lake Gentry Extreme Drawdown and Habitat Enhancement Project to simultaneously lower Alligator Lake to 60.0 ft. and Lake Gentry to 56.5 ft.

The proposed drawdown is controversial. Opponents to the project consists of primarily tropical fish farmers and other agricultural interests who are concerned that their businesses may be adversely affected by the drawdown and the Florida Department of Agriculture & Consumer Services which is also concerned about the potential for harm to the fish farmers. Opponents to the drawdown have also stated that they don't believe that environmental benefits will occur as a result of the project. Supporters of the drawdown include resource agencies responsible for managing the natural resources within the lakes as well as homeowners and other members of the public that value the lakes for their fishing, wildlife, esthetic, and recreational opportunities. Supporters of the drawdown have observed and documented (the FWC and Florida Department of Environmental Protection, among others) the decline in water quality and other physical conditions within the lake that have resulted in severe degradation of fish and wildlife habitat and overall conditions within the lake. As a consequence, the lakes can no longer provide essential fish and wildlife habitat, and present conditions are not favorable for use by adjacent landowners or other members of the public visiting the lake. FWC has documented the results of previous drawdowns at Lake Kissimmee and at Lake Tohopekaliga (Toho). As described in the FEIS based on documentation by FWC these drawdowns have resulted in clear environmental benefits by reducing sedimentation, helping desirable plant communities become re-established, and improving aquatic organisms and sport fish populations.

In an attempt by the SFWMD and FWC to accommodate both sides, the proposed target drawdown water level in Alligator Lake has been raised from 58.5 feet to 60.0 feet MSL and the Lake Gentry drawdown portion of the project has been deferred. The purpose of making these changes to the plan was to reduce the potential for impacts from the drawdown including potential impacts to two fish farms. Modeling conducted by the SFWMD and accepted by the Corps assessing the hydrologic impacts of the work suggest that two farms, Blackwater Fishery and Moonlight Fisheries, may potentially be impacted during certain conditions coinciding with or following the drawdown. SFWMD's analysis of the impacts of the lake drawdown on the surrounding

water table aquifer under different rainfall conditions is described in Volume II of the Final EIS.

SFWMD's report indicates that under the typical condition scenario, the change to the aquifer level at Blackwater Fishery due to the extreme drawdown is projected to be less than 0.4 feet, and the change to the aquifer level at Moonlight Fisheries is projected to be less than 0.3 feet. Under the severe drought condition scenario, the maximum change to the aquifer level at Blackwater Fishery is projected to be 0.7 feet. Changes to the aquifer levels due to the Alligator Lake drawdown at Moonlight Fisheries under severe drought conditions are projected to be less than 0.5 feet. The SFWMD and Osceola County are considering additional actions to reduce the potential for impacts from the project, but since they haven't been approved the project was evaluated without them.

The SFWMD used a proprietary model called MIKESHE in its analysis. Although some objections were received to use of this model because its proprietary code was not reviewed, accepted practice is to evaluate models based on calibration and verification, not on a review of their underlying code. Based on a review of the calibration report and technical analysis, and the Corps' experience in evaluating models, I am satisfied that this structured grid model performs well, and I am satisfied that the analysis submitted by the SFWMD is a reasonable assessment of groundwater responses in the basin to the drawdown and drought conditions presented.

The Corps considered all applicable laws, executive orders, regulations, and local government plans in evaluating the alternatives. This project was fully coordinated under the Endangered Species Act (ESA) through the Corps' Regulatory process and via correspondence and informal consultation associated with preparation of the EIS. The Fish Wildlife Service has concluded that the project is not likely to jeopardize Endangered and Threatened Species. The State Historic Preservation Officer (SHPO) has stated that there are two recorded sites within the project area that must be located, marked, and protected so that all project activities can avoid these known sites. Based on these stipulations, the SHPO has stated that the proposed project is in compliance with the National Historic Preservation Act and the Archeological and Historic Preservation Act.

In view of the above I find any adverse effects of the proposed action described in the Final EIS have been avoided and/or minimized to the extent practicable, and am confident that the recommended plan best meets the overall objectives of the project.

The proposed action is consistent with all applicable laws, regulations, national policy, and administrative directives. The total public interest will best be served by implementing as expeditiously as possible, the Lake Gentry Postponement Alternative as described in the Final EIS.

14 JAN 2000

Date:

C. J. Bunch LTC, EN.
for Joe R. Miller
Colonel, U.S. Army
District Engineer

**ALLIGATOR CHAIN AND LAKE GENTRY EXTREME DRAWDOWN
AND HABITAT ENHANCEMENT PROJECT
OSCEOLA COUNTY, FLORIDA**

RESPONSE TO COMMENTS

LEAD AGENCY: Jacksonville District, U.S. Army Corps of Engineers

**COOPERATING AGENCIES: Florida Fish and Wildlife Conservation
Commission, South Florida Water Management District**

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October 12, 1999

To: Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

James C. Duck
Harley K. Smith
Col. Joe Miller
Jim Viril
Adam Stewart
Office of Council

To: The Army Corps of Engineers

Subject: Alligator Chain of Lakes Drawdown

This letter to be included in comments of the E.I.S.

① First - This letter requests a written response in a timely fashion so that we may respond to your answers before the comment period runs out on the E.I.S.

② Second- It has come to our attention that you knowingly have been proceeding with the E.I.S. without the true facts that were available to you and have deliberately gave G.F.C., S.F.W.M.D. preferential treatment over the people of the State of Florida. We believe in violation of your own rules. You did not hold them to the same scrutiny that a private citizen or private company would have been held to by your own rules, regulations, etc. You have done this knowingly. You have given G.F.C., S.F.W.M.D. preferential treatment in violation of Law, Rules, Regulations, etc. by not holding them to the same standards. Period., or by saying, well they are another agency of Government so we believe what they say

President: David Castell Vice President: Rhonda Walther
Secretary / Treasurer: Sheila Klingensmith
Directors: Sonny Castell, Donald Walther, Michael Klingensmith

not what ^{THEY} can prove.

Because of your attitude you have caused us severe hardship, severe financial strain and caused us to be held up to ridicule to say the least. We are tired of it and demand that the playing field be leveled and that you do your job properly, that we the people are paying you to do and stop this good ole boy slap on the back stuff.

- 1.) You have known from the beginning that S.F.W.M.D. nor any other water management district has ever done a MKE-SHE model for any project or any project since the standard then and now is still the Mod. Flow period.
- 2.) You knew then and now that Emily Hopkins was hired or put in place to do the MKE SHE and as soon as she was done was promoted out of her position to a higher one.
- 3.) At no time then or since have you asked for her qualifications, so in truth you donot have a clue whether she knows now or then what she is doing. Also you knew then and you know now she was told to prove that there was no significant impact. Never was she told to see if there would be an impact but to make a model to prove no impact.
- 4.) You knew then and you know now in truth she never did the MKE SHE herself. She simply sent a company in Daneland what information she wanted them to have. You do not know what she left out that might have changed the model nor did you make her prove it. Also they sent her the discs with the model and the keys. She then took the model, made up her own information and drawing for the E.I.S. Again, no one checked to see if her interpretation of the MKE SHE model was right. This never would have been accepted from any private citizen or company, again showing preferential treatment for Agencies of Government. A clear violation of Law.
- 5.) Army Corp dispite full knowledge that the MKE SHE model existed and that they should have seen it, reviewed it and made sure that it was right that Emily Hopkins had sent in the right information to make the model and that she interpreted it right despite the fact they had the right to do so. They did not. Again Army Corp would not have done the same for a private citizen or company - again proving preferential treatment for Agencies of Government.

6.) Army Corp

Has not now or ever seen the MKE SHE model which compiles of 12 3 by 5 discs and the keys to run the model. How then can Army Corp say in all honesty that there will be no significant impact? Army Corp has no proof to back up their E.I.S. statement. Again- Army Corp has never seen the MKE SHE model. Again- no private citizen or company could do this. Army Corp is again showing preferential treatment for Agencies of Government and not doing their job.

7.) Peer Review

Army Corp knows full well that the peer reviewers never saw the MKE SHE model only Emily Hopkins interpretation of it and even without seeing the model, just Ms. Hopkins interpretation, they raised serious doubt just the same as Stimmel and Anderson did yet at no time was the model itself by that I mean the 12 discs, ever been seen by Army Corp peer reviewers no one. Army Corp can not in all honesty answer the questions raised by Stimmel and Anderson or the peer reviewers because they have never seen the MKE SHE model or the information that went into it.

Army Corp is again giving preferential treatment to Agencies of Government as no private citizen or company could have gotten away with this.

8.) Army Corp

has full knowledge that D.E.P., G.F.C. and S.F.W.M.D. have been served with verified complaint of unlawful activities and that it is going to court. Army Corp has broken faith as it would not have continued the E.I.S. on a private citizen or company until such time as they prove themselves innocent in a court of Law. Army Corp has broken their own rules and set themselves up as Judge and Jury.

9.) Army Corp

has full knowledge that a lawsuit has been filed in court over significant impact from the test drawdown. It aledges that the test drawdown put Sunset Tropicals out of business. Army Corp instead of stopping the E.I.S. and awaiting the findings of the State Courts set themselves up as Judge and Jury there by making us the citizens their servants. Army Copr is ours. Someone needs to remind them that S.F.W.M.D., G.F.C. and D.E.P. are the servants of the people. Army Corp needs to be reminded.

10.) Army Corp

has full knowledge that O.F.F.A. has hired the renowned Dr. Michael L. Voohers, Ph. D. to do a MKE SHE and a model flow and that the O.F.F.A. by and through their Attorney are having a hard time getting the 12 discs that are the MKE SHE model and the keys to model from S.F.W.M.D. and that it is highly unlikely that our MKE SHE can be done before the time of the comment period is over. Therefore it is apparant that Army Corp is acting in concert with D.E.P., G.F.C. and S.F.W.M.D. and are trying to stop the truth from coming out. Again at no time would Army Corp allow any of this from a private citizen or company. Army Corp is playing pat on the back good ole boy again with agencies of Government. At no time has Army Corp demanded proof S.F.W.M.D. simply answered with a statement which Army Corp takes as fact with no substancial evidance to back it up.

11.) Army Corp

has full knowledge that drawdowns donot make the lake better but in fact the long term effect is worse for the lakes as far as sediment and noxious weeds are concerned. In the Sept. 1999 final E.I.S. report S.F.W.M.D. with G.F.C. state that they have had great success with West Lake Toho. and that they can prove it. This is simply not true as all of the evidance shows clearly that a few years after the draw-downs on West Lake Toho the sediment and the noxious weeds came back far worse than they were to start with. Mike Hulon-G.F.C. film that he showed at Kissimmee Civic Center in 1998 showed West Lake Toho noxious weeds and sediment in the 70"s before the first drawdown to be very minimal in comparison to a few years later. G.F.C. film clearly shows that after each of the 3 drawdowns the sediment and noxious weeds came back significantly in point of fact the noxious weeds and sediment in some places on Wewt Lake Toho are 2000 times as bad as before any drawdowns. Lake Jackson that G.F.C. with S.F.W.M.D. hold up as a shining example is in fact far worse shape as far as noxious weeds and sediment goes than bfore the drawdown. Just 3 or 4 years ago. Now if you look at Alligator Lake which has had no drawdowns it has very little sediment and few real noxious weeds and it has been inpounded over 40 years with no drawdowns. If you do a drawdown on Alligator Lake, one of our most pristine lakes you will start a cycle of destruction that to say the least would border on being nothing but criminal. If you look at all the drawdowns that have been done you will clearly see that within a few years the lakes are in worse shape than before any draw-downs.

This clearly shows that extreme drawdowns do not help the lakes but destroy them and for Army Corp to support this is criminal.

You only have to look at Lake Apopka to see what extremes Agencies of Government will go to complete a project .

You people are destroying our lakes, wildlife, etc.

It must stop now.



David Castelli
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October 20, 1999

United States Army Corps of Engineers
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Jacksonville, Florida

Colonel Miller
James C. Duck
Harley K. Smith
Jim Virel
Adam Stuart
Office of Council

Please include this in
the comment period of the
Final EIS.

Dear Sirs:

In the Final Environmental Impact Statement, September 1999,
for the Alligator Chain and Lake Gentry Extreme Drawdown

Project Osceola County, Florida, Volume 1 and 11.

"The need for action is to reverse the general decline of the lakes aquatic habitat quality, and to stimulate growth of desirable aquatic vegetation and to increase the overall productivity of fish and associated wildlife and habitat."

① What concrete proof has been provided to Army Corps to show and prove the general decline of aquatic habitat? Have the fish been counted? Is their proof of substantial muck? Has ALLIGATOR Chain been tested for chemicals that are unsuitable for producing fish?

② On page 12 section 3.08. Fish and Wildlife says "contamination is unlikely. NO concrete proof. In section 4.02.1 page 15 I suppose a study was done in 1995, on Lake Kissimmee that Mike Hulon allegedly said the number of bass went up after a drawdown. Again where is the proof. Lake Kissimmee has no comparison to Alligator Lake. Has Mike Hulon taken samples of fish from Alligator Lake? Are the fish declining in Alligator Lake? If they are where is the proof? I challenge you to prove this.

According to Mike Hulon of FWC he has said many times in round table meetings and in front of the County Commissioners meeting that Alligator Lake was the most pristine lake in the chain.

President: David Castelli Vice President: Rhonda Walther
Secretary / Treasurer: Sheila Klingensmith
Directors: Bonny Castelli, Donald Walther, Michael Klingensmith

Which is true? Either Alligator is in decline, But there is no proof to back that up or, it is a pristine lake, according to Mike Hulon himself.

There are 2 volumes of information about the drawdown, alot of information with very little solid proof.

③ There is no section in these two volumes that explains what happens to the fish in the lake during a drawdown, or what would happen to the fish on the fish farms during a drawdown and no mention of the economic woes to this community if 7 fish farms are put out of business.

Why is this? The Florida Department of Agriculture would have told you, the fish farmers would have told you if you wanted to know, or is the truth about drawdowns and fish irrelevant to you ?

Fish Farmers are EXPERTS in reproduction and production of fish, we are also experts in the treatment of diseases. If we did not know haw to produce fish and care for them properly we would be out of business. We only get payed when we ship a viable product. We collect no salary from the State whether we produce fish or not, only State employees do that.

Drawdowns seem to be nothing but money making deals for the agencies involved, no matter the results. This would appear to be nothing more than job security. Where is the proof of the substantial economic benefits to the local economy because of the drawdowns? Again it is not included in these 2 volumes.

④ I will once again ask USCOE, SFWMD, and FWC to provide proof of the overwhelming need to clean the Alligator Chain of Lakes, and I am sure that once again I will receive no proof that this project is needed.

As a fish expert why don't I share with you some of the facts you left out of the Final EIS.

The fact that I and the other fish farmers do drawdowns on a smaller scale compared to the lake offers us a clear and distinct picture of what will happen to the fish during a lake drawdown.

If you do the drawdown you will let out hundreds of millions of gallons of water. The existing fish will then be concentrated in much lower water. The fish will be crowded.

⑤

During a drawdown the natural springs that exist under the lake will flow. That water will be highly acid, and oxygen deprived. Higher concentration of fish with fresh oxygen deprived water will result in fish kills.

During a drawdown by lowering the water the fish concentration will lead to higher nitrate counts and higher ammonia counts. This will lead to lower usable oxygen for the fish and will cause severe stress on the fish. This will lead to gill diseases, and cause existing parasite rates to go extremely high. These diseases will spread rapidly throughout the fish population and will result in high fish kills.

Be aware, just because you do not see a lot of floating fish this does not mean that the fish are not dead. In our experience for every fish you see floating, thousands have died that you will never see.

When all of this occurs, only the hardest fish will survive. The mudfish, walking catfish, bowfish, Florida gar, and catfish will probably survive the best. They would be the hardest types of fish. The bass, bluegill and black crappie would be the most susceptible to diseases caused by the drawdown. If this occurs you could see the mudfish, bowfish and Florida gar, out produce the sports fish. This would not be the desired effect of the drawdown.

When you do a drawdown and scrape the soil you do in part what fish farmers do everyday. When we pump a pond and remove the fish and clean out the muck, we provide our fish with a totally clean pond so that they will reproduce very quickly. This process affords the fish farmer 1 year of good production, ONLY 1 year.

⑥

By drawing down a lake 4 feet, instead of completely dry, the majority, if not in this case all the muck would be concentrated in the middle of the lake which could not be removed. Scraping the sides could be beneficial to the lake if you were not removing the littoral zone at the same time. Without the littoral zones for the fry fish to hide in, you are gambling with the entire reason for the drawdown.

If the fry can survive the entire drawdown would provide 1 year of decent production. Spending 1.3 million dollars for 1 years spawn would appear to be a total waste of taxpayer dollars.

I'm sure if the Legislature really understood the truth here, no money would have been provided.

⑦ Wouldn't a better solution to this problem be to have FWC which have facilities to raise fish in great quantities, raise the desired fish and stock the lake. We the taxpayers are already paying for this facility and the staff to run it, wouldn't this be a more effective, kinder, and cost effective way?

If the people of the State knew how many fish will be killed in a drawdown, do you think they would think this drawdown was a good idea?

There is a better way to clean lakes. It would be cost effective, better for the overall condition of the lake and better for the fish, let me explain.

⑧ When multi millions of dollars worth of chemicals are sprayed each year to control noxious aquatic weed these weeds die and go to the bottom of the lake. There plants absorb good and bad nutrients from the lake, then they absorb the chemical used to kill them. Upon their death they release all these chemicals back into the lake. These plants accumulate on the bottom of the lake and become vegetative muck.

Mike Hulon of FWC explained that he is wanting to remove this vegetative muck from the lake. This seems obvious, but requires the question, didn't he kill the weeds that are now vegetative muck? Doesn't this look like job security?

⑨ By doing the old fashioned drawdowns, you are in fact killing fish, allowing nuisance plants to get established further out into the lake than they could have if the lake remained up, putting this muck that is so bad back into the lakes as wildlife islands that if they are not done properly will fall apart, Lake Jackson as an example.

⑩ Cleaning the lake does not require a drawdown. By putting in mechanical harvesters you can go and take out most of the aquatic weeds. The same weeds that hold the food and bad nutrients in the lake. You would not be creating the vegetative muck that spraying chemicals on those plants is doing now.

You take out the aquatic plants along with the harmful .. nutrients and you add no extra chemicals to the lake. You do not have fish kills, or fish stress. or fish disease by harvesting and not lowering the lake.

Another benefit of harvesting aquatic plants ;is that they can be make into feed, there by making a profit from cleaning a lake.

⑪ I believe FWC has done some research on this already.. According to FWC they say harvesting is more expensive than drawdowns. If you take the multi millions of dollars they now spend on aquatic weed control and put some of the money in harvesters and use the trucks you already own to haul the aquatic weeds away, and the small profit you could make from the sale of aquatic weeds for feed, I know it will be more than cost effective.

I challenge you to prove or disprove if mechanical harvesters can clean the lake more efficiently with less cost involved. no fish kills, and safer for the habitat that use this lake for feeding.

⑫ During a drawdown the same thing that will happen to the fish in the lake will happen on the fish farms, with a few additional points. To much fresh water will kill certain kinds of fish and will definitely harm the rest.

⑬ We have more fish in our ponds than the lake has. Tropical fish in low water will die because of the heat and the cold and lack of water depth for thermal layers to go to in hot or cold weather. Disease and death will result from lack of water due to the drawdown. So if the drawdown occurs you will suffer severe fish loss in the lakes and destruction of 7 farms that hold millions of fish. I do not believe the animal rights people would be pleased by this government action.

(14) What about the economic damage done to this community when 7 fish farms go under. We buy millions of dollars worth of feed, bags, rubberbands, oxygen, boxes, chemicals and many other supplies from our local community. We employ people to work on our farms. We buy tractors and pumps and plastic from local stores. We pay taxes in this community. Orlando International Airport showed 26 million in freight last year from the shipping of tropical fish.

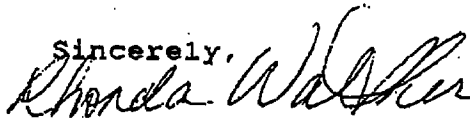
Who will make up the difference? The lake homeowners?

Why with 2 volumes of statements have you left out the whole truth? The Department of Agriculture would have told you the truth. The Florida Tropical Fish Farmers Association would have told you the truth. The fish farmers would have told you the truth. Why didn't you ask? The FEIS is suppose to be a thorough document, obviously it is not.

I challenge you to prove or disprove any statement made in this letter. I ask that you investigate thoroughly every impact made during a drawdown. I also ask you to prove every allegation you state in the FEIS.

As always, I would be more than happy to help you find the whole truth and nothing but the truth.

Sincerely,



Rhonda Walther, Vice President
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October 21, 1999

To: Army Corp of Engineers

Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Col. Joe Miller
James C. Duck
Harley K. Smith
Jim Viril
Adam Stewart
Office of Council

Subject: Alligator Lake Chain Drawdown

Reference: Final Impact Statement dated Sept. 1999 Possible unlawful activities and E.I.S. is not final as it is in its present states violates the rules, regulations, etc. Also shows a possible pattern of violation of laws, rules, and regulations as shown in Volume I.

- ① 1. Comments sent into Army Corp alledging that the information that they are using is wrong or false requires a answer by law. Not a no comment. The so-called final Environmental Impact Statement is invalid as you failed to answer the following up to, but not just the ones stated.
- ② 2. In the F.E.I.S. you failed to answer the Stimmle and Anderson Report. Didnot respond.
- ③ 3. Peer Review. Didnot respond.

President: David Castelli Vice President: Rhonda Walther
Secretary / Treasurer: Sheila Klingensmith
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4. Appendix II from Department Community Affairs. Didnot respond.
5. Fish andGame Commission. Didnot respond.
6. Florida Department of State. Didnot respond.
7. Florida State Clearing House. Didnot respond.
8. Basically you have never responded with any actual facts mostly hearsay or comments. No proof.

Army Corp of Engineers

Conduct unbecoming and Agency of Government

Reference: Final Environmental Impact Statement

④ 1. Any comments in the F.E.I.S. must be approved by Col. Joe Miller. Col. Miller is the officer in charge and is solely responsible for the F.E.I.S. Col Miller has been kept informed by the O.F.F.A. by and thru their Attorney of our objections. At no time has Col. Miller exercised his authority to make his subordinates obey the rules and regulations. The F.E.I.S. is nothing but conjectured opinions and good ole boy pat on the back with absolutely no positive proof or answers. Everything is we think. They say. Could be.

2. Col. Miller

President: David Castelli Vice President: Rhonda Walker
Secretary / Treasurer: Rhonda Klingenstein
Directors: Henry Castelli, Donald Walker, Michael Klingenstein

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Pg. 3

Knew full well that his subordinates took all the real complaints and real information and reduced it in the F.E.I.S. to print that no person of average eye sight could read evidence.

⑤ All comments sent in by people in favor of the drawdown were in large print. All experts, lawyers, etc. against were printed in miniature so the average person could not read it.

Example

1. Law Office William E. Guy, Jr. June 2, 1999
2. Stimmle-Anderson and Associates, Inc.
Environmental and Hydrologic Consultants
October 26, 1998
3. Jan- 19, 1999 S.S.Papadopoulos and Associates, Inc.
Gordon D. Bennett
4. Henk Haitjema Jan. 15, 1999
5. Richard C. Peralta P.E. Ph. D
Jan. 9, 1999
6. Stimmle-Anderson and Associates, Inc
May 27, 1999
7. Anyone with any type of proof were reduced to miniature.
Your vague and inadequate answers were printed in LARGE type.

⑥ Army Corp of Engineers in its F.E.I.S. says that Big Bend Swamp periodically dries up. This statement is simply not TRUE.

President: David Castelli Vice President: Rhonda Walker
Secretary / Treasurer: Shelia Klingenstein
Directors: Henry Castelli, Donald Walker, Michael Klingenstein

OFFA, INC.

Osceola Fish Farmers Association, Inc.

3460 Hickory Tree Rd
St. Cloud, Florida 34772

Telephone (407) 892-7051
Fax (407) 892-5757

Pg. 4

⑦ I challenge Army Corp of Engineers to show when at anytime in recorded history that Big Bend Swamp dried up. They can not. The only time the water leaves Big Bend Swamp in any The only time the water leaves Big Bend Swamp in any substantial quantities is when Army Corp of Engineers opens the locks on the lakes. Period. Otherwise it is fairly stable. Your E.I.S. is full of incomplete accusations and false and misleading information and is slanted to make the Alligator Chain of Lakes project seem like its a good deal when in truth it will break many laws of the State of Florida and Federal Law.

The Alligator Chain of Lakes project is just like the Lake Apopka project. Army Corp of Engineers, Game and Fish Commission, St. Johns Water Management District and Dept. Environmental Protection were warned by the best experts in the State that it would have grave consequences to the environment. You did the same thing then that you are doing now. Just blow off the experts and do your project. If you were not an Agency of Government you all by now would have probably been prosecuted under the R.I.C.O. Act a long time ago.

⑧ The damage that will be done to our wetlands and Big Bend Swamp will be tremendous. Everytime you do a drawdown you create a manmade drought. Then try to blame it on the weather. You caused the mice problem in and around Lake Apopka by flooding the farmlands and forcing the mice north. Now birds of prey are getting sick and dying from eating the poisoned mice. You have already caused the death of thousands of protected birds. Now you are going to kill more.

⑨ I can only hope that someday that the Animal Rights Groups find you out for what you are and hopefully that some Agency of Government with the powers to prosecute do some really serious investigation of your projects because no matter how many experts show that your projects will cause serious harm you simply disregard them and continue right on. I donot believe that if God Himself came down and told you you were going to damage the wetlands you would not stop for a second.. It would be business as usual.

President: David Castelli Vice President: Rhonda Walther
Secretary / Treasurer: Sheila Klingenstein
Directors: Maany Castelli, Donald Walther, Michae. Klingenstein

David Castelli



Florida Department of Agriculture & Consumer Services
BOB CRAWFORD, Commissioner
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:

Office of Agricultural Water Policy
Soil and Water Conservation
3125 Conner Boulevard
Suite C, Mail Stop C-28
Tallahassee, Florida 32399-1650
Phone: 850-488-6249
Fax: 850-921-2153
Suncom: 278-6249

October 25, 1999

Mr. James C. Duck
Chief, Planning Division
U.S. Army Corps of Engineers
P. O. Box 4970
Jacksonville, FL 32232-0019

Subject: Response to Final Environmental Impact Statement (EIS) dated September, 1999

Dear Mr. Duck:

The purpose of this letter is to provide comments to the Corps regarding the Final EIS for the Alligator Chain and Lake Gentry Extreme Drawdown and Habitat Enhancement Project. The Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy Staff has reviewed the document and supporting appendices, specifically relating to the revised schedules pursuant to the Lake Gentry Postponement alternative (Section 2.01.3), and believes that this conceptual approach more reasonably addresses offsite drawdown / impact concerns. Of course, this assertion is based on the assumption that all technical issues raised heretofore have been fully resolved. Thus, as alluded to in our response to the draft EIS, many of the issues are technical in nature and involve the South Florida Water Management District's (SFWMD) decision to use the Danish Hydraulic Institute's MIKE SHE integrated model to provide reasonable assurance.

That being said, FDACS, would like to render some final opinions for the file of record; they are:

① Fundamental to the argument(s) is the fact that the proposed extreme drawdown must be consistent and harmonious with agricultural water policies related to the 1956 Kissimmee River Basin General Design Memorandum (KRBGDM). Since the SFWMD operates and maintains the Central and South Florida (C&SF) project works in accordance with Corps approved



Florida Agriculture and Forest Products
\$53 Billion for Florida's Economy

criteria, FDACS would submit (contrary to response rendered by Corps to our draft EIS comments) that the KRBGDM's "provision of water supply for agricultural uses in the area around the lakes and along the Kissimmee River" is tantamount to the stabilization of water levels in and around the associated upper Kissimmee River Lakes. Historic seasonal lake level fluctuations and the ecological importance therein notwithstanding, it is FDACS' opinion that the current agricultural land use adjacent to the lakes meets the intent of the KRBGDM even though post (regulation schedule) development did not consider irrigation benefits separately as stated in your response.

② (2) There still appears to be some unanswered legal questions. Please reference our earlier comments pursuant to question numbers 1 and 4. During the extreme drawdown, a pumped discharge will be used at canal C-32C in order to maintain water levels. To reiterate earlier comments, pumped surface water discharges may be a regulated consumptive use of water and further subject this project to Chapter 40E-2, F.A.C. "Basis of Review" criteria therein. Thus, affording "users" protection by requiring the maintenance of reasonable surficial water levels in the aquacultural production ponds should be considered from a legal context.

③ (3) It is our understanding that the Osceola Fish Farmers Association, Inc. has retained the services of Dr. Michael Voorhees to scrutinize the MIKE SHE model. Given the fact that the MIKE SHE is relatively new to Florida applications and arguably not as widely accepted as the United States Geological Service's MODFLOW model, we would ask that the Corps consider an extension period for final EIS comments pending completion of Dr. Voorhees assessment.

④ (4) On July 22, 1999, following the release of the Draft EIS, the Osceola Fish Farmers Association provided FDEP with written notification of alleged wetland filling violations. In a letter dated August 19, 1999, Vivian Garfein (FDEP - Director of District Management) stated that FDEP is currently investigating the claim and will respond upon completion of the investigation. This issue should be fully evaluated and resolved to the satisfaction of FDEP enforcement staff pursuant to Chapter 62-340, F.A.C. prior to project commencement.

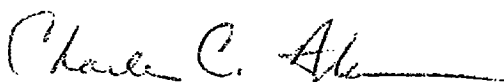
⑤ (5) FDACS still believes that an equitable and solid contingency plan should be agreed to, committed in writing, and incorporated into the EIS. Pursuant to the last meeting in West Palm Beach between affected fish farmers and SFWMD staff, many farmers feel that the District's proposal to allow "temporary" wells to augment potentially impacted pond levels falls far short and does not indemnify growers in the event modeling assumptions fail and growers lose valuable stocks. Restitution for crop losses should be included as part of the contingency plan.

Mr. James C. Duck
Page Three
October 25, 1999

We appreciate the opportunity to provide comments on this important project. Please feel free to contact Mr. Bill Bartnick at 850/414-1065 to discuss any of the particulars related to our response.

Sincerely,

BOB CRAWFORD
COMMISSIONER OF AGRICULTURE

A handwritten signature in cursive script, appearing to read "Charles C. Aller", followed by a horizontal line.

Charles C. Aller
Director, Office of Ag Water Policy

CA/bh

cc: Ms. Terry Rhodes
Dr. Martha Roberts
Mr. Sherman Wilhelm
Ms. Joanne McNeely

LAW OFFICES OF
WILLIAM E. GUY, JR.

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STUART, FLORIDA 34995-3386

WILLIAM E. GUY, JR.*
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* ALSO ADMITTED IN 9TH U.S.C.C.A.
** ALSO ADMITTED IN DISTRICT OF COLUMBIA
*** ALSO ADMITTED IN U.S. VIRGIN ISLANDS

October 25, 1999

Jim Vearil
Jacksonville District Corps of Engineering
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Alligator Lake Drawdown; Final Environmental Impact Statement
Our File: Osceola Fish Farmers Association, Inc.

Dear Sirs:

Thank you for providing us with a copy of the Alligator Lake Drawdown - Final Environmental Impact Statement. Pursuant to the cover letter (a copy of which is attached), it is my understanding that all comments on the FEIS are due within 30 days of receipt of the document. Having received the document on October 8, 1999, I assume that our comment period will expire on or about November 8, 1999.

① The purpose of this letter is to request an extension of the comment period beyond November 8, 1999 for an additional 90 days because we won't be able to formulate comments until the review explained below is accomplished.

② The basis for our request is our belief that the modeling provided to the Corps by South Florida Water Management District (SFWMD) is fatally flawed for a number of reasons. In an attempt to demonstrate the flawed modeling, at great cost to our clients, we have retained Michael Voorhees, PhD., who is a consultant with expertise in hydrologic modeling. Dr. Voorhees will be undertaking a complete analysis of the SFWMD's MIKE SHE model, as well as investigating whether or not SFWMD's model can be duplicated. If as we suspect, SFWMD's model cannot be duplicated, Dr. Voorhees advises that SFWMD's model and the entire basis of the Final Environmental Impact Statement will have no validity.

③ Due to SFWMD's implications to the contrary, we have only recently become aware that SFWMD in fact did not actually run the model on which the FEIS is based. SFWMD simply gathered data and shipped it off to be put in to the model. After the model was run, the results were sent back to SFWMD who then interpreted the results of the model. Dr. Voorhees advises that this procedure is highly unusual in the field of hydrologic modeling.

④ On September 22, 1999 we requested a copy of the data used in the model, as well as a source code for the model. SFWMD informed us that they are in possession of the data, but indicated that they never were in possession of the source codes for model. Dr. Voorhees advises that not having the source codes in and of itself, seriously calls in to question the accuracy of SFWMD's model. In addition, Dr. Voorhees has indicated that it is virtually impossible to duplicate the model without the source codes.

⑤ Thus, contrary to the implication of SFWMD, the "peer review" which was paid for by SFWMD did not actually review SFWMD's model, but rather reviewed SFWMD's interpretation of the model. Further, since SFWMD did not have the source codes their ability to modify the model based on the "peer review" was inadequate. The bottom line is that SFWMD's model has never been reviewed and its accuracy has never been checked. Additionally and further calling in to question the MIKE-SHE model, you should be aware that there has never been a completed application of the MIKE-SHE model in the State of Florida. In other words, the MIKE-SHE model is wholly untested and unproven for use within the State of Florida. Thus, we are asking that in the interest of fairness and in the interest of assuring that the Corps has been provided with accurate information, that we be granted a 90 day extension of the comment period to allow Dr. Voorhees to test the accuracy of SFWMD's model.

⑥ We would further request that in light of the fact that there has never been a completed application of the MIKE-SHE model in the State of Florida, and because SFWMD's "model" is not really a model at all, but rather, is an interpretation of a model, that the Corps require a supplemental EIS be undertaken to check the reliability and validity of SFWMD's model itself, rather than SFWMD's interpretation of the model. Unless such an evaluation is undertaken, there is no reason whatsoever for the Corps to believe that either SFWMD's interpretation of the model is correct, or that the MIKE-SHE model is an accurate and reliable model.

Dr. Voorhees has reviewed most of the pertinent documentation and has prepared his preliminary opinions which I enclose for your consideration.

⑦ You should further be aware that although we first requested the modeling data from SFWMD on September 22, 1999, and despite the fact that SFWMD required us to pay for copies of the data, we still have not received the data from SFWMD. In addition, we are still attempting to obtain the source codes from the creator of the MIKE-SHE model, however, we still have not received those as of yet. Once Dr. Voorhees has received both the data and the source codes, he estimates that he will have approximately 200 hours of work in order to prepare a final report. .

You have my personal assurances that we will insist that Dr. Vorhees use all diligence in completing the project promptly and upon completion, we will provide the Corps with Dr. Vorhees final report.

Thank you for your consideration.

Sincerely,



William E. Guy, Jr.

WEG/pd

Enclosure:

cc: ~~Osceola~~ Fish Farms, Inc.

DAVE WELDON
15TH DISTRICT, FLORIDA

COMMITTEES:

SCIENCE

VICE CHAIRMAN, SPACE SUBCOMMITTEE

BANKING

FINANCIAL INSTITUTIONS AND
CONSUMER CREDIT SUBCOMMITTEE

DOMESTIC AND INTERNATIONAL
MONETARY POLICY SUBCOMMITTEE

Congress of the United States
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Washington, DC 20515

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BLDG. C
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October 25, 1999

Colonel Joe R. Miller, Commander
Department of the Army
Jacksonville District Corps of Engineers
Construction-Operations Division
Regulatory Branch
Atlantic Permits Section
P.O. Box 4970
Jacksonville, FL 32232-0019

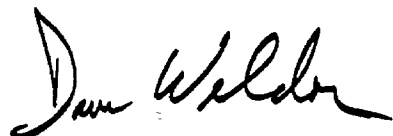
Dear Colonel Miller:

① I have recently received further correspondence from my constituent, Kerry Broaddus, regarding the Alligator Lake drawdown project in Osceola County. He is concerned about the delays in starting the project, and asks that the Army Corps comply with the December 3 deadline for the final Environmental Impact Statement. I have enclosed his correspondence for your review.

Your assistance in looking into this situation for me and providing information that will help me respond to my constituent will be appreciated. I know that Mr. Broaddus' inquiry will be given every review and consideration. Please respond to my District Office address listed above.

With warm regards and best wishes, I remain,

Sincerely,



Dave Weldon
Member of Congress

Enclosure

OFFA, INC.

Occola Fish Farmers Association, Inc.
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St. Cloud, Florida 34773
Telephone (407) 898-7022
Fax (407) 898-9727

October 26, 1999

United States Army Corps of Engineering
Jacksonville District Corps of Engineering
P.O. Box 4970
Jacksonville, FL 32232-0019

Subject: Alligator Chain of Lakes E.I.S.

We have been doing research on your past and present projects and what comes to light is to say the least astonishing and totally shocking. The billions upon billions that A.C.O.E. has spent on projects that were totally destructive to the environment, Aqu Eco system, the Florida Aqu Fir, birds, wildlife, human race- I will list just a few. But what is totally shocking is you were told in advance what would happen but did it anyway and to make matters worse, when you had seen the damage you were doing you still didnot stop.

The trouble is most of the people in Florida have not been here long enough to know your track record and that in Florida I cannot find a single successful project. As in- the Florida Cross Canal and locks, the Canal from Kissimmee Lake to Okeechobee and according to you G.F.C. and S.F.W.M.D. the Kissimmee Valley flood protection was a bad job, too. Also most of the people working for the newspapers are young and really don't check out your record and just listen to your P.R. and don;t do enough background work to know the truth.

1. Let's start with the Florida Barge Canal
one of the most damaging projects in the U.S.A. history let alone Florida. The canal was started during the depression. Thousands of acres of land were cleared-10 million cubic yards of fill were removed at a cost of 5.5 million dollars. The damage done to the Florida environment and Aqu Eco system was on a scale so great as to have never been seen before in the U.S.A.

President: David Canall Vice President: Rhonda Walker
Secretary / Treasurer: Sheila Klingenstein
Directors: Henry Crowell, Donald Walker, Allan Klingenstein

A.C.O.E. and the Water District would still not stop until a court order action in 1936 forced them to. A reasonable person would have thought that was the end of the project. Not hardly. Army Corp and the Water Districts fought and lobbied for years to restart the project. Now Army Corp and the Water District already knew the damage they had done in the past and knew full well the terrible damage they would do again to the environment. In 1963 with the help of their political friends and then President Johnson, over the objections of the Governor of the State of Florida, most of our Congressmen, our State Legislators and the Florida State Cabinet who voted 6 to 1 to stop it and the proof that many Scientists, Engineers and Environmentalists proved. Army Corp and the Water District still would not stop.

It took an Executive Order from then President Richard M. Nixon to stop the canal. President Nixon said that he had never seen such an environmental and economic boon doggle in his life. All at a cost of 70 million dollars, 3 locks, 3 dams and four bridges LATER.

Army Corps along with the Water Districts and the G.F.C. are still trying to restart the project.

2. The Big Ditch Kissimmee River Canal

This is another of the largest environmental disasters to hit the United States in modern times. Between 1961 and 1971, the Corps brought a dredge up the Kissimmee River and dug out enough dirt to fill about 4 million dump trucks. The corps also put six flood gates and boat locks in the resulting ditch. The price for all this was \$32 million, which would be close to \$100 million in 1990 dollars.

Now, call it coincidence, but guess what else this ditch did? It made thousands of acres of land, It did this by draining marshes north of the river, marshes that surrounded Lake Kissimmee and other lakes that emptied into the river. Before the ditch, this land constantly flooded. After the ditch, it was high and dry and ready for cows to graze on.

The cows belonged to ranchers, including big shots like the late State Sen. Irlo Bronson. These ranchers were the people who pushed hardest to get the ditch dug. They had lots of political clout and were good buddies with the folks at the flood control district.

Some cynics believe that the ditch really was a land reclamation project for ranchers, sold to the public as a flood control project. They say the public got snookered.

See report by Vince Williams, state biologist and expert on the Kissimmee chain of lakes.

See Steve Leitman report- a low-level state planner

Let's see what Army Corp did to the Aqu Eco System. We drained over 172,000 acres of wetlands, drove off one of the largest wading bird populations which to this day have never returned. Replaced the water in the river with water so oxygen depleted that fish can only live in the top few feet of the water in the canal. Now A. C.O.E. and S.F.W.M.D. knew the damage they would do before they started and the damage they were doing while they were constructing the canal. But they did not stop.

Now the project is done. What next? Well, let's see. The Florida Barge Canal has just been stopped. Hmmm... no work for Army Corp, S.F.W.M.D., or G.F.C. Got to have a job. What are we going to do. I know, we'll do extreme drawdowns, call them Lake restorations, starting with West Lake Toho. That will keep our jobs. Another idea- let's fill the Big Ditch back in. That will keep us all in jobs for a long, long time. We say it's polluting Lake Okeechobe. Army Corp was screaming to fill it in before the last shovel full of dirt was dry. They just lost the Florida Cross Barge Canal and need new projects to keep their jobs. They started the extreme drawdowns on West Lake Toho which is a hundred times worse shape after 3 drawdowns than before their first one while they lobbied to fill in the Big Ditch. Now let's see who benefits beside Army Corp, S.F.W.M.D., G.F.C. by filling in part of the Big Ditch. What? The same ranchers? You mean they are going to be paid 100's of millions for land that belongs to the people of the state?

Among other things, we will be buying 20,000 acres of land that was drained for the ranchers around the Kissimmee chain of lakes.

Sounds good, except for this: The state says that we already own much of the land that we will be buying. We must buy something we already own from people who don't own it.

By law, the state owns all land that is under water most of the time. But after the ditch drained the land around the Kissimmee chain of lakes, adjacent property owners claimed the resulting dry ground as their own. The state can't prove otherwise unless it does expensive land surveys to prove what land would be underwater without the ditch. This would be followed by years of expensive legal battles with the landowners.

The state figures, therefore, that it would be cheaper and faster to give in to the landowners and buy our land from them.

"It rubs people the wrong way when you buy something you own, but some things are not worth fighting over," says Ken Plante with the State Department of Natural Resources.

This land will cost about \$20 to \$100 million. In many cases the public still won't own it outright because the district is simply planning to buy permission from the landowner to flood it. This is called a flood easement.

When the work is completed we'll have restored about 45,000 acres of marsh, but paid enough money to buy more than 250,000 acres of marsh, not rent. We will not have done anything to solve the pollution problems facing Lake Okeechobee.

We will have ditch-river-ditch.

3. The 1993 Lake Griffin Lake Restoration that was a total environment disaster on wildlife, birds and fish with serious potential to do untold damage to the human race and the 97-98 Lake Apopka restoration that is far worse with far more reaching disasters ahead including the human race.

Army Corp, St. Johns Water Management District and Game and Fish were warned in advance by the renowned Dr. Guillette, University of Florida Biologist, about the dangers of D.D.E. and how important it was because Dr. Guillette was able to prove the chemical D.D.E. was the culprit and was wrecking havoc by disrupting hormones in reptiles, alligators, fish, birds and quite possible humans. You were also warned by many other top scientists like Theo Colborn who had been studying Army Corps other disasters on the Great Lakes. She, along with 21 other scientists warned you. Did you stop the lake Griffin project? No. Despite full knowledge of the consequences you continued.

Now it is 1997. Now despite full knowledge of the disaster that you have created on Lake Griffin and despite full knowledge that it will happen on Lake Apopka and again warned by experts, scientists, etc., you go ahead and do it again. This time it's far worse. Bad for environment. Bad for the wildlife, alligators, reptiles, birds, fish and people. But, oh so good for Army Corp, Water management Dist., and Game and Fish Commission. as you have created a super fund site that will take many years to fix and effect unknown generations of birds, wildlife, alligators, fish and people.

But, great for you. Many more years of work.

4. West Lake Toho

another disaster in the making and more false and misleading information fed to the people. You, A.C.O.E., G.F.C., and S.F.W.M.D. have personally misled the people the news people, our legislatures, etc.

The indisputable facts show that West Lake Toho (see films G.F.C.) was in far better shape than before the 3 drawdowns and that in a few years after each drawdown the noxious weeds floating tuskes and sediment were worse. So instead of helping the lake you are making it worse. But, great for Army Corps, G.F.C and SFWMD. Your creating job security. You have never done a single successful project yet. But, oh successful for jobs.

5. Alligator Chain of Lakes Project and E.I.S.

Page 4 F.E.I.S.

In this you state your reason for doing the project is the following: rapid growth of dense nuisance vegetation in prime lakeshore aquatic habitat, which supports numerous species of fish, waterfowl, wading birds and wildlife (Dooris & Courser, 1976; Holcomb & Wegener, 1971; and Wegener & Williams, 1974). The density of this vegetation impedes sport fish production and seriously limits fishing, boating, wading, bird watching and other lakefront recreational pursuits.

This is simply an untrue statement with no bases in facts or backed by any substantial evidence.

1. There are no floating tuskes that can be removed by an extreme drawdown.

2. There are no boat docks that can not be reached by boats. Period. Have films to prove it.

② 3. There are no noxious weeds that impede boat recreation that can be removed by extreme drawdown.

4. Sediment on Lake that can be removed by extreme drawdown is very minimal.

5. Sports fishing is some of the best in the state as Alligator Lake is one of Central Floridas' most pristine lakes. Also stated by Mike Hulon, Game and Fish Commission and there is no proof whatsoever that the fish populations are declining on the contrary sports fishing is excellent.

6. Impedes swimming. Simple. Not true. Our native grass is suppose to be there, not removed from the literal zone. Go out on Alligator Lake and look at all the docks, jungle gym sets for recreational swimming.

7. At no time has Army Corps, Game and Fish Commission or South Florida Water Management Dist. shown or proven that a real need exists to do this project. ~~No real need.~~

③ And after a few years after the project the lakes will be in far worse shape than now. This project benefits a few homeowners, Game and fish Commission, South Florida Water Management Dist., and Army Corps of Engineers only with no real benefit to the people of the state. Another disaster in the making. We can prove there is no need for this project. Simply send Steve Brooker with me on my boat and we will tour and re-film the lake.

As you can see you have never shown or proven a successful project in Florida yet.

David Castelli

David Castelli, Osceola Fish Farmers, Inc.
President

Sources: NewsBank InfoWeb-the Orlando Sentinel
Osceola Reference Library
Orlando and Orange County Reference Library
Army Corps of Engineers
Central and Southern Flood Control District a.k.a. South Florida Water Management Dist.

LAW OFFICES OF
WILLIAM E. GUY, JR.

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* ALSO ADMITTED IN 9TH U.S. C.C.A.
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*** ALSO ADMITTED IN U.S. VIRGIN ISLANDS

October 28, 1999

Liz Manners
United States Army Corps of Engineering
Jacksonville District Corps of Engineering
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Comments to Alligator Chain and Lake Gentry Extreme Drawdown Project Final
Environmental Impact Statement

To whom it may concern:

On October 8, 1999, we received a copy of your Final Environmental Impact Statement (FEIS). The cover letter (a copy of which is attached) specifically states that comments to the FEIS must be received within thirty days of receipt of the FEIS. Accordingly, I believe these comments are timely.

In addition, under separate cover we have previously requested an extension of the comment period. This comment is meant only to supplement, and not in any way meant to revoke our prior request for an extension of the comment period and request that a supplemental EIS be undertaken.

Comment #1

① The prior comments of this office directed to the draft EIS and appearing in the Public Comment section of the FEIS, appear to be the only documents in the FEIS printed in small type thereby making the comments extremely difficult to read. This is extremely odd since the comments are the most critical of the project. The comments should be included in the same size print as the other comments received.

Comment #2

Through documents obtained via public records requests to South Florida Water Management District (SFWMD), we are aware that the "Responses to Comments from William

2.a E. Guy, Jr. 55 East Ocean Blvd., Stuart, FL 34995 on Behalf of the Osceola Fish Farmers, Inc." were prepared by the SFWMD. Thus, while SFWMD has responded to the comments, the Corps has not responded to the above mentioned comments, nor has the Corps addressed SFWMD's responses to the comments.

2.b 40 C.F.R. 1503.4 requires the Corps (not SFWMD) to "assess and consider comments" and to "respond by one or more of the means listed below, stating its response in the final statement." 40 C.F.R. 1502.9(b) requires the Corps (not the SFWMD) to discuss opposing views and indicate the agencies response.

Thus, because the Corps has not responded to the above mentioned comments or discussed the opposing views or indicated its response to the opposing views, it has failed to comply with its duties under NEPA.

We therefore request the Corps comply with its NEPA requirements and prepare responses and discussions to the above mentioned comments as well as any other comments to which the Corps has not responded to or discussed.

Comment #3

On September 22, 1999, this office requested the source codes for the MIKE-SHE model used by SFWMD in their MIKE-SHE model on which the FEIS is based. We have been informed that SFWMD does not have possession of those source codes, has never had possession of those source codes and can therefore not provide copies to us. Without the source codes to the model, the model cannot be checked for reliability or duplicated.

The entire scientific validity of any model is derived from its ability to be checked and duplicated. In other words, a model that cannot be duplicated has little or no scientific validity or value. The lack of the ability to duplicate SFWMD's model seriously calls in to question the validity and reliability of SFWMD's model.

In addition, because SFWMD does not have the source codes contrary to their prior assertions, SFWMD's "peer review" did not review the actual model but rather, only reviewed SFWMD's interpretation of the model. Thus, SFWMD's model has never been "peer reviewed". SFWMD has been less than forthcoming in failing to specifically disclose that they merely interpreted the model, rather than undertaking a complete application of the model. We have also become aware through contacts with the developer of the MIKE-SHE model, that there has never been a completed application of the MIKE-SHE model in the State of Florida. Accordingly, the MIKE-SHE model is not a recognized standard model in the State of Florida, as would be the MODFLOW model.

Further, since SFWMD does not have the source codes, the source codes were not submitted to the Corps to consider or analyze, thus the Corps never made an independent attempt to review, consider or analyze SFWMD's model.

3.a Based on the above, in an effort to provide some scientific support for this project, SFWMD has chosen a model (a) has not been shown to be effective, reliable and accurate in the State of Florida; (b) has undertaken a "modeling" methodology which precludes duplication of their "model" rendering their "model" of little or no scientific value; © has chosen not to allow a "peer review" of the actual model used; and (d) has chosen a model which has never been used before to predict a draw down in Florida. Accordingly, SFWMD's model and "modeling analysis" is essentially "junk science".